

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. Claims 1-24 are pending in the present application. Claims 1, 3, 5, 8-10, 15, 18-19, and 22-24 are amended by way of the present response. Claim 7 is canceled without prejudice or disclaimer. Applicant submits that upon entry of the present Response, claims 1-6 and 8-24 are in condition for allowance. Moreover, the Applicant submits that no new matter has been introduced by the foregoing amendments.

Rejections under 35 U.S.C. §112

In the outstanding Action, claims 1-24 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Examiner has identified a number of alleged grammatical, dependency, indefinite language and antecedent basis problems with the present claims.

Applicant has amended the claims in accord with the Examiner's suggestions in paragraphs 3-7 of the most recent Office Action. In particular, Applicant has amended claims 5 and 8 to address the alleged claim dependency issues. Claim 15 has been amended to address the alleged grammatical issues. Claim 1 has been amended to address the alleged antecedent basis and indefinite problems. Finally, Claim 10 has been amended to address the alleged indefinite problems.

As a result, Applicant respectfully submits that claims 1-24 are now in condition for allowance.

Rejections under 35 U.S.C. §102/103

In the outstanding Action, claims 1-4, 10, 11, 13-20, 23 and 24 stand rejected under 35 U.S.C. §102(e) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a), as being unpatentable over Uchida (U.S. Patent No. 7,246,243).

Applicant respectfully traverses each of these rejections for at least the following reasons.

Independent claims 1, 15 and 19 are the independent claims presently under consideration. None of the cited references, considered alone or in combination, teach or suggest every element recited in independent claims 1, 15 and 19.

The rejection of claims 1-8 and 10-11 under 35 U.S.C. § 102(e), as allegedly anticipated by, or in the alternative, under 35 U.S.C. §103(a), as allegedly unpatentable over Uchida is respectfully traversed.

Amended claim 1 recites:

A method of electronically identifying and verifying an individual utilising at least one biometric feature of the individual including the steps of: enrolling an individual into a database including: (a)inputting required particulars of the individual into the database and ascertaining the existence or otherwise of the particulars of the individual in the database; (b)capturing the biometric features of the individual wherein key features of the biometric raw data are extracted; (c) encrypting in a dynamic manner the biometric features, the method of encryption selected based on factors including the computing power of a registration computer, the computing power of a server computer, and network bandwidth; and (d)transmitting the encrypted data of the biometric features to the server and storing the encrypted data in relation to the particulars of the individual obtained in step (a) above; verifying an individual in the database including: (i) activating an access apparatus with a means to capture at least one biometric feature of an individual in a secure manner using dynamic encryption; (ii)

capturing the at least one biometric feature of an individual wherein key features of biometric raw data are extracted; (iii) encrypting in a dynamic manner the at least one biometric feature, a method of encryption selected based on factors including the computing power of a registration computer, the computing power of a server computer, and network bandwidth; (iv) transmitting the encrypted data of the at least one biometric feature to at least one server; and (v) verifying the at least one biometric feature captured in step (i) with a pre-stored biometric feature in the server in step (iv); wherein upon positive identification and verification of the individual access is given to an auxiliary means including access to secured doors, database, computer network and servers.

Uchida, considered alone or in combination, does not teach or suggest each and every limitation of claim 1. Rather, Uchida discloses an identification system and method for authenticating user transaction requests from end terminals, including user terminals 10 with a fingerprint sensor 11, a fingerprint feature extraction unit 12 and an encryption unit 13. A user's fingerprint is detected by sensor 11 and a feature is extracted by extraction unit 12 and ciphered by the encryption unit 13 and forwarded to an authentication server 40 having a database for storing data. A determination is then made whether the received information has a corresponding match in the database.

Notably, and as the Examiner points out in paragraphs 20 and 21 of the most recent Office Action, Uchida does not teach or suggest encrypting in a dynamic manner the biometric features or that this step is performed prior to a user inputting biometric feature information for authorization. Further, Uchida does not disclose that a method of encryption selected is based on factors including the computing power of a registration computer, the computing power of a server computer, and network bandwidth, as recited in the present invention.

The Examiner states that despite the lack of disclosure in Uchida, it would be obvious to extract and encrypt the features for basic security purposes. However, claim 1 not only recites an

encryption feature in general, but rather an additional method of encryption selection based on factors including computing power of both the registration and server computer, as well as network bandwidth. In other words, the present invention discloses more than simple extraction and encryption, but further selects a particular method and type of encryption based on the environment and operational issues. As a result, the present invention optimizes the encryption step to secure raw data at both the identification and verification stages from tampering.

As such, Uchida, alone or in combination, does not describe or suggest every element recited in claim 1. For at least the reasons set forth above, Applicant respectfully submits that independent claim 1 is patentable over Uchida. Since dependent claims 2-4, 10, 11 and 13-14 depend directly or indirectly from independent claim 1, Applicant respectfully submits that claims 2-4, 10, 11 and 13-14 likewise are patentable over Uchida.

Further, independent claims 15 and 19 recite the same or similar limitations as independent claim 1. As a result, Applicant respectfully submits that claims 15 and 19 are likewise patentable over Uchida. Since dependent claims 16-18 dependent from claim 15, and dependent claims 20 and 23-24 depend from claim 19, Applicant respectfully submits that claims 16-18, 20 and 23-24 likewise are patentable over Uchida.

Accordingly, for at least the reason set forth above, Applicant respectfully requests that the §102/103 rejections of claims 1-4, 10-11, 13-20 and 23-24 be withdrawn.

Rejections under 35 U.S.C. §103

In the outstanding Action, claims 7, 8 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Uchida (U.S. Patent No. 7,246,243).

In the outstanding Action, claims 5, 6, 21 and 25 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Uchida in view of Bianco et al. (U.S. Patent No. 6,256,737).

In the outstanding Action, claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Uchida in view of McCabe (U.S. 2002/0095317).

In the outstanding Action, claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Uchida in view of Robinson et al. (U.S. 2008/0271116).

Applicant respectfully traverses each of these rejections for at least the following reasons.

None of the cited references, considered alone or in combination teach, suggest or disclose each and every limitations of the present invention.

With respect to the rejection of claims 7, 8 and 12, and as noted above, Applicant respectfully submits that Uchida, considered alone or in combination does not teach, suggest or disclose each and every limitation of independent claim 1. Since dependent claims 8 and 12 depend directly or indirectly from claim 1, Applicant respectfully submits that that claims 8 and 12 likewise are patentable over Uchida. Further, and as noted above, claim 7 has been canceled by way of the present response.

With respect to the rejection of claims 5, 6, 21 and 25 as allegedly unpatentable over Uchida in view of Bianco, Applicant respectfully traverses. As an initial note, Applicant respectfully submits that at present there is no claim 25. Further, as discussed above, Uchida does not teach or suggest every element recited in claims 1, 15 and 19. Bianco does not make up for the deficiencies of Uchida.

Rather, Bianco merely discloses a system, method and computer program product for allowing access to enterprise resources using biometric devices. The system includes a biometric server storing collections of data to authenticate users. Like Uchida, Bianco mentions encryption

as a means of providing security to a system, but does not teach, suggest or disclose selecting a method and type of encryption. Further, Bianco is silent regarding a method of encryption selected based on factors including the computing power of a registration computer, the computing power of a server computer, and network bandwidth, as described by the present invention.

As a result, neither Uchida nor Bianco, considered alone or in combination teach, suggest or disclose each and every limitation of independent claims 1, 15, and 19. For at least the reasons set forth above, Applicant respectfully submits that independent claims 1, 15 and 19 are patentable over Uchida in combination with Bianco. Since dependent claims 5 and 6 depend from claim 1 and claim 21 depends from claim 19, Applicant respectfully submits that claims 5, 6 and 21 likewise are patentable over Uchida in combination with Bianco.

With respect the rejection of claim 9 as allegedly unpatentable over Uchida in view of McCabe, Applicant respectfully traverses. As discussed above, Uchida does not teach or suggest every element recited in claims 1, 15 and 19. McCabe does not make up for the deficiencies of Uchida.

Rather, McCabe merely discloses a data/presence insurance tools and technique. McCabe appears altogether unrelated to the present invention, and certainly makes no mention of selecting a method and type of encryption or a method of encryption selected based on factors including the computing power of a registration computer, the computing power of a server computer, and network bandwidth, as described by the present invention.

As a result, neither Uchida nor McCabe, considered alone or in combination teach, suggest or disclose each and every limitation of independent claims 1, 15, and 19. For at least the reasons set forth above, Applicant respectfully submits that independent claims 1, 15 and 19

are patentable over Uchida in combination with McCabe. Since dependent claim 9 depends from claim 1, Applicant respectfully submits that claim 9 likewise is patentable over Uchida in combination with McCabe.

With respect to the rejection of claim 22 as allegedly unpatentable over Uchida in view of Robinson, Applicant respectfully traverses. As discussed above, Uchida does not teach or suggest every element recited in claims 1, 15 and 19. Robinson does not make up for the deficiencies of Uchida.

Rather, Robinson discloses a system and method of enrolling potential system users for a biometric system for identity verification. Robinson only discloses that information transferred between two points in the system is encrypted, but does not teach suggest or disclose selecting a method and type of encryption or a method of encryption selected based on factors including the computing power of a registration computer, the computing power of a server computer, and network bandwidth, as described by the present invention.

As a result, neither Uchida nor Robinson, considered alone or in combination teach, suggest or disclose each and every limitation of independent claims 1, 15, and 19. For at least the reasons set forth above, Applicant respectfully submits that independent claims 1, 15 and 19 are patentable over Uchida in combination with Robinson. Since dependent claim 22 depends from claim 19, Applicant respectfully submits that claim 22 likewise is patentable over Uchida in combination with Robinson.

Accordingly, for at least the reason set forth above, Applicant respectfully requests that the §103 rejections of Claims 1-6 and 8-24 be withdrawn.

CONCLUSION

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds of rejection are believed to have been overcome. The application, as amended, is believed to be in condition of allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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